

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Adoptive Family #1 and their Daughter : Case No. 1:18-cv-179
A, *et al.*, :
Plaintiffs, : Judge Susan J. Dlott
v. :
: Order Overruling Objections and
Warren County, Ohio/Warren County : Affirming Report and Recommendation
Board of Commissioners, :
Defendant. :
:

This matter was referred to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and issued a Report and Recommendation (Doc. 26) on June 25, 2018 wherein she recommended that Defendant Warren County, Ohio/Warren County Board of Commissioners' ("Warren County's") Motion for Judgment on the Pleadings (Doc. 15) be granted in part and denied in part. The Magistrate Judge concluded that Plaintiffs have an individually enforceable claim under 42 U.S.C. § 673 and that they should be permitted to pursue their claims for violations of § 673 under 42 U.S.C. § 1983. She further found that Plaintiffs did not state a plausible claim for relief under 42 U.S.C. § 1983 for violation of their right to familial association. As such, she recommended that the Motion for Judgment on the Pleadings be granted as to Plaintiffs' claims for violation of their constitutional right to familial association and denied as to Plaintiffs' claims for violation of 42 U.S.C. § 673.

Subsequently, the parties filed cross Objections (Docs. 30, 31) and responses (Doc. 33, 34). Plaintiffs also filed a reply in support of their Objections (Doc. 35). The Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* the filings in this matter as required by Rule 72(b) of the Federal Rule of Civil Procedure. In so doing, it

has reconsidered the cases relied upon by the Magistrate Judge and the parties as well as the objections and arguments raised.

Upon consideration of the foregoing, the Court **OVERRULES** both parties' Objections and **AFFIRMS** the Report and Recommendation.

IT IS SO ORDERED.

Dated this 5th day of October, 2019.

BY THE COURT:

s/Susan J. Dlott

Susan J. Dlott
United States District Judge